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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,678	03/18/2004	Stephen Ray Wurzburger	RSSW17	7320

7590  
Robert Samuel Smith  
1263 Emory St  
San Jose, CA 95126

07/11/2008

EXAMINER
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PHASGE, ARUN S

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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07/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-6, 8-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As stated in the prior Action, the conditions necessary for performing the process most efficiently are not claimed.

### ***Response to Arguments***

Applicant's arguments filed 4/1/08 have been fully considered but they are not persuasive.

Applicant remarks that the examiner is forcing the Applicant to limit the claim to a scope that really could not be included in ANY chemical patent. Further stating :

“For example, if the Examiner insisted on the use of the word PURE in the claim, (as in pure water) then the Applicant would have to define concentration limits of purity in the specification and those limits would be included in the claim. For example, if the limit of impurity were defined in the

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specification as being 0.0010 moles per liter, then an infringer could use water having an impurity of conc. of .0012 moles per liter with out infringing the claim.”

Applicants specification on page 18 begins, While I do not wish to be bound by theory, it is believed that the success of the process depends on establishing favorable conditions to bring about the complete dissociation reaction... and continues with the Following four conditions are necessary for performing the process most efficiently...

While the use of the English phrase MOST EFFICIENTLY might imply that the process will work under conditions, from reading the specification one having ordinary skill in the art would not be enabled to make and/or use the invention.

Therefore, the claims remain rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arun S. Phasge/  
Primary Examiner, Art Unit 1795

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